

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

CARLSON, INC.,

Plaintiff,

vs.

**INTERNATIONAL BUSINESS
MACHINES CORPORATION,**

Defendant.

Case No. 0:10-cv-03410 (JNE/JJG)

**INTERNATIONAL BUSINESS MACHINES CORPORATION'S
MOTION TO DISMISS THE COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant International Business Machines Corporation moves this Court for an Order dismissing Plaintiff's Complaint in its entirety and with prejudice. This Motion is based upon the accompanying Memorandum of Law in support of the Motion, as well as the files, records and proceedings herein.

DATED: September 7, 2010

s/ Alyssa L. Rebensdorf

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